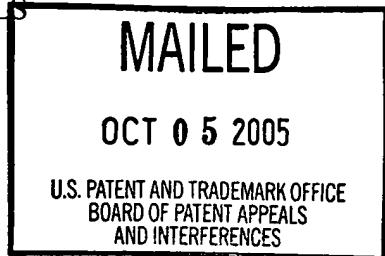


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEROY B. KEELY,
SUSANNE ALYSIA CLARK CAZZANTI,
DAN ALTMAN and CHARLTON E. LUI



Application No. 09/750,288

ORDER RETURNING UNDOCKETED APPEAL

This application was received electronically at the Board of Patent Appeals and Interferences on August 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statement (IDS) on January 22, 2004. It is not clear from the record whether or not the IDS has been considered and the related Form 1449 needs to be signed. On August 16, 2004, appellant filed a second Information Disclosure Statement (IDS), which upon review it appears that the examiner did not fully consider. The references identified in the Foreign Patent Documents section do not appear to have been

considered, as the examiner's initials do not appear adjacent each reference to acknowledge such consideration.

The examiner needs to consider the Information Disclosure Statements, identified above, and acknowledge such consideration.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) consideration and proper written response to the Information Disclosure Statements filed January 22, 2004;
- 2) consider and proper written response to the Information Disclosure Statement (Foreign Patent Documents), filed August 18, 2004;
- 3) the examiner's signature on the Form 1449 accompanying the January 22, 2004, is required;
- 4) the examiner's initials on the Form 1449 (Foreign Patent Documents) filed August 16, 2004; and
- 5) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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Application No. 09/750,288

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